

Please enter the enclosed terminal disclaimer.

Also, please cancel claims 5-7 and amend claim 1 as shown on the attached sheets.

### **REMARKS**

The Examiner has objected to an informality on page 10, and Applicant has amended the specification to correct that informality by changing the second occurrence of "9" on page 10, line 11 to --8--.

The Examiner has also objected to an informality relating to reference numeral 65 being omitted from the drawings. Applicant has amended figures 1 and 3 to include reference numeral 65. Reference numeral 65 represents the manual input wheel 65 that rotates with shaft 40 and is provided with openings 64 therein which can be engagement with a tool for manually turning the manual input wheel 65, as described on page 11, lines 19-21 of the specification. Also, reference numeral 64 has been added to figure 1 to conform it to figure 3 and to the specification. Reference numeral 64 represents the openings 64 provided in the manual input wheel 65. Adding reference numeral 65 to figures 1 and 3 does not constitute addition of new material since this reference numeral and the structure it represents are fully described in the specification, including the location and function of the structure. Likewise, adding reference numeral 65 to figure 1 does not constitute addition of new material since this reference numeral and the structure it represents are fully described in the specification, including the location and function of the structure, and this numeral is show in figure 3 associated with its associated structure.

Claim 5 is rejected under 35 U.S.C. 102(b) as being anticipated by Speedie. Also, Claims 6-7 are rejected under 35 U.S.C. 103(a) as being unpatentable over Speedie in view of Herbert. Applicant has cancelled Claims 5, 6, and 7.

Claims 1-7 are rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 1-6 of U.S. Patent No. 6,789,565. Applicant has filed a terminal disclaimer to overcome this rejection as to claims 1-4 only since claims 5-7 have been cancelled.

Claims 1-2 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which Applicant regards as the invention. Specifically, there is no antecedent basis for “the enlarged non-circular housing” and “the circular valve sleeve” in the last two lines of claim 1. Applicant has corrected this problem by the present amendments to Claim 1 wherein Applicant provided antecedent basis for both of the references cited by the Examiner.

In summary, Applicant has amended the claims and the drawings to correct the informalities objected to by the Examiner, address the Examiner’s rejections relating to no antecedent basis in claims 1 and 2, and address the rejection of claims 5, 6 and 7 based on Speedie and Herbert. Applicant is also filing a terminal disclaimer to overcome the Examiner’s double patenting rejection as to claims 1-4 only.

It is believed that this application is now in condition for allowance, and such action is earnestly solicited.

The Commissioner is hereby authorized to charge any additional fees to the deposit account of the undersigned, No. 13-0470.

Respectfully submitted,



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Enclosures:

Marked up page 10  
Amended claims  
Terminal disclaimer  
Corrected drawings

[F:\Linda's Docs\Allen, Tom\CIP Metering Valve\Amen & ROA-1]

FIGURE 8 is a cross sectional view of the valve similar to figure 7 with the valve shown in a closed but unsealed position.

- 5      FIGURE 9 is an enlarged view of the portion of ~~figure 9~~ figure 8 indicated by the ~~circled circle~~ labeled "Fig. 9".